

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IBRAHIM S. KHAER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:16cv652 (JCC/MSN)
)	
AL KAWTHAR INTERNATIONAL LLC,)	
et al.,)	
)	
Defendants.)	

O R D E R

This matter is before the Court on United States Magistrate Judge's Report and Recommendations [Dkt. 58] recommending that the Court enter default judgment against Defendants Al Kawthar International, LLC, Sultana Grill, Incorporated, Mohammed Bencherki, Hajar Bencherki, Ibrahim Saed Ahmed, and Miriam Ibrahim Elsayed.

The Court notes that both Ibrahim Saed Ahmed and Miriam Ibrahim Elsayed filed documents purporting to be Answers to Plaintiffs' Complaint [Dkts. 21, 23] on September 22, 2016. Both documents, however, were filed out of time without excuse. The Court received them shortly after default was entered against both Defendants, and neither Defendant moved to set aside the entry of default. Similarly, both Defendants filed Motions to Dismiss [Dkts. 22, 24] on November 1, 2016. Neither

Motion complied with the Court's local rules. Both are deemed withdrawn under Local Civil Rule 7(E) for failure to properly notice a hearing. Neither Defendant has participated in this case in any respect in the five months that have since passed. Accordingly, the Court finds that entering default judgment against Defendants Ibrahim Saed Ahmed and Miriam Ibrahim Elsayed is appropriate.

Accordingly, having reviewed the Report and Recommendations, and no objection having been filed, it is hereby ORDERED that

(1) The Court adopts the findings of fact and accepts the recommendation of the United States Magistrate Judge;

(2) Plaintiffs' Amended Motion for Default Judgment [Dkt. 36] is GRANTED except to the extent that it improperly requests pre- and post- judgment interest;

(3) The Clerk shall enter judgment against Defendants Al Kawthar International, LLC; Sultana Grill, Incorporated; Mohammed Bencherki; Hajar Bencherki; Ibrahim Saed Ahmed; and Miriam Ibrahim Elsayed, who shall be jointly and severally liable to Plaintiffs for attorney's fees in the amount of \$30,564.09, as well as unpaid wages and liquidated damages in the following amounts:

Hamdi Hassan Ahmed Siyam - \$14,315.36

Ibrahim S. Khaer - \$55,902.00

Gebremeskel Yemane Kidst - \$20,601.28

Fouzia Mohamed Hadgag - \$77,782.32

(4) The Motions to Dismiss [Dkts. 22, 24] filed by Defendants Ibrahim Saed Ahmed and Miriam Ibrahim Elsayed are deemed WITHDRAWN for failure to notice a hearing pursuant to Local Civil Rule 7(E);

(5) The Motion for Summary Judgment [Dkt. 40] filed by Mohamed Seid Ahmed Mohamed is DENIED as moot, as Defendant Mohamed was voluntarily dismissed from this action on February 9, 2017;

(6) The final pretrial conference scheduled to take place on April 20, 2017 is CANCELLED and shall be removed from the Court's docket;

(7) Defendants are advised that if they wish to appeal this Order, they must do so within thirty (30) days of the date of this Order, in accordance with Rules 3 and 4 of the Federal Rules of Appellate Procedure; and

(8) The Clerk of the Court shall forward copies of this Order to all counsel of record and Defendants, *pro se*.

This Order is FINAL.

April 19, 2017
Alexandria, Virginia

/s/
James C. Cacheris
UNITED STATES DISTRICT COURT JUDGE